

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

MAURA C. BURTON

Plaintiff,

v.

AMERIQUEST MORTGAGE COMPANY
AMC MORTGAGE SERVICES
DEUTSCHEBANK NATIONAL TRUST
COMPANY and
BEIRMAN GEESING AND WARD, LLC

Defendants.

CA. No. 07-CV-0869

**ANSWER OF DEUTSCHE BANK NATIONAL TRUST COMPANY TO
PLAINTIFF'S AMENDED COMPLAINT DATED 10/24/07**

Defendant Deutsche Bank National Trust Company ("Deutsche Bank, as trustee"), by and through its attorneys, Kirkpatrick & Lockhart Preston Gates Ellis LLP, hereby answers the Amended Complaint ("Amended Complaint") dated October 24, 2007, brought by Plaintiff Maura C. Burton ("Plaintiff"). Deutsche Bank, as trustee, makes this Answer only on its own behalf. To the extent that any allegation set forth in the Amended Complaint is addressed to any other defendant, Deutsche Bank, as trustee, is without knowledge or information sufficient to form a belief as to the truth of such allegation except as expressly stated below.

1. Paragraph 1 of the Amended Complaint sets forth Plaintiff's characterization of this action to which no response is required. To the extent that a further response may be required, Deutsche Bank National Trust Company ("Deutsche Bank"), as trustee, denies the remaining allegations set forth in Paragraph 1 of the Amended Complaint.

JURISDICTION AND VENUE

2. Paragraph 2 of the Amended Complaint sets forth Plaintiff's conclusions of law to which no response is required.

3. Paragraph 3 of the Amended Complaint sets forth Plaintiff's conclusions of law to which no response is required. To the extent that a further response may be required, and to the extent that the allegations set forth in Paragraph 3 of the Amended Complaint are directed to Deutsche Bank, Deutsche Bank, as trustee, denies the allegations.

PARTIES

1. Deutsche Bank, as trustee, denies the allegations set forth in the first sentence of "Parties" Paragraph 1 of the Amended Complaint. Deutsche Bank, as trustee, admits that Ameriquest has offices located in Orange, California and otherwise states that it is without knowledge or information sufficient to form a belief as to the remaining allegations set forth in the second and third sentence of "Parties" Paragraph 1 of the Amended Complaint. Deutsche Bank, as trustee, admits that Plaintiff's mortgage loan is held in trust with Deutsche Bank National Trust, as trustee, and otherwise denies the remaining allegations set forth in the fourth sentence of "Parties" Paragraph 1 of the Amended Complaint. As to the fifth and sixth sentences of "Parties" Paragraph 1 of the Amended Complaint, Deutsche Bank, as trustee, admits that the law firm of Bierman, Geesing & Ward, LLC has submitted filings on behalf of Deutsche Bank National Trust Company, as trustee, c/o AMC Mortgage Services, Inc. in the bankruptcy action commenced by the Plaintiff, In re Maura C. Burton, Case No. 06-16155-RAG (Bankr. D. Md.); Deutsche Bank, as trustee, is otherwise without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in "Parties" Paragraph 1 of the Amended Complaint.

2. Deutsche Bank, as trustee, is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in “Parties” Paragraph 2 of the Amended Complaint.

BACKGROUND¹

1. Deutsche Bank, as trustee, admits that the Plaintiff obtained a mortgage loan from Ameriquest Mortgage Company. Deutsche Bank, as trustee, is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in “Background” Paragraph 1 of the Amended Complaint. Deutsche Bank, as trustee, otherwise denies the remaining allegations set forth in “Background” Paragraph 1 of the Amended Complaint.

2. Deutsche Bank, as trustee, is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in “Background” Paragraph 2 of the Amended Complaint. To the extent that a further response may be required, Deutsche Bank, as trustee, denies the allegations set forth in “Background” Paragraph 2 of the Amended Complaint.

3. Deutsche Bank, as trustee, is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in “Background” Paragraph 3 of the Amended Complaint. To the extent that a further response may be required, Deutsche Bank, as trustee, denies the allegations set forth in “Background” Paragraph 3 of the Amended Complaint.

4. Deutsche Bank, as trustee, is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in “Background” Paragraph 4 of the Amended

¹ The paragraphs set forth in the “Background” section of Plaintiff’s Amended Complaint were not numbered. In the interest of preserving the record, the Defendants have numbered their responses to these paragraphs.

Complaint. To the extent that a further response may be required, Deutsche Bank, as trustee, denies the allegations set forth in “Background” Paragraph 4 of the Amended Complaint.

5. Deutsche Bank, as trustee, is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in “Background” Paragraph 5 of the Amended Complaint. To the extent that a further response may be required, Deutsche Bank, as trustee, denies the allegations set forth in “Background” Paragraph 5 of the Amended Complaint.

6. Deutsche Bank, as trustee, is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in “Background” Paragraph 6 of the Amended Complaint. To the extent that a further response may be required, Deutsche Bank, as trustee, denies the allegations set forth in “Background” Paragraph 6 of the Amended Complaint.

7. Deutsche Bank, as trustee, is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in “Background” Paragraph 7 of the Amended Complaint. To the extent that a further response may be required, Deutsche Bank, as trustee, denies the allegations set forth in “Background” Paragraph 7 of the Amended Complaint.

8. Deutsche Bank, as trustee, is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in “Background” Paragraph 8 of the Amended Complaint. To the extent that a further response may be required, Deutsche Bank, as trustee, denies the allegations set forth in “Background” Paragraph 8 of the Amended Complaint.

9. Deutsche Bank, as trustee, is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in “Background” Paragraph 9 of the Amended Complaint. To the extent that a further response may be required, Deutsche Bank, as trustee, denies the allegations set forth in “Background” Paragraph 9 of the Amended Complaint.

10. Deutsche Bank, as trustee, is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in “Background” Paragraph 10 of the Amended Complaint. To the extent that a further response may be required, Deutsche Bank, as trustee, denies the allegations set forth in “Background” Paragraph 10 of the Amended Complaint.

11. Deutsche Bank, as trustee, is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in “Background” Paragraph 11 of the Amended Complaint. To the extent that a further response may be required, Deutsche Bank, as trustee, denies the allegations set forth in “Background” Paragraph 11 of the Amended Complaint.

12. Deutsche Bank, as trustee, is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in “Background” Paragraph 12 of the Amended Complaint. To the extent that a further response may be required, Deutsche Bank, as trustee, denies the allegations set forth in “Background” Paragraph 12 of the Amended Complaint.

13. Deutsche Bank, as trustee, is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in “Background” Paragraph 13 of the Amended Complaint. To the extent that a further response may be required, Deutsche Bank, as trustee, denies the allegations set forth in “Background” Paragraph 13 of the Amended Complaint.

14. Deutsche Bank, as trustee, is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in “Background” Paragraph 14 of the Amended Complaint. To the extent that a further response may be required, Deutsche Bank, as trustee, denies the allegations set forth in “Background” Paragraph 14 of the Amended Complaint.

COUNT ONE

1. Deutsche Bank, as trustee, denies the allegations set forth in Count One, Paragraph 1 of the Amended Complaint.

2. Deutsche Bank, as trustee, denies the allegations set forth in Count One, Paragraph 2 of the Amended Complaint.

AFFIRMATIVE DEFENSES

First Defense

The Amended Complaint fails to state a claim upon which relief can be granted against Deutsche Bank, as trustee.

Second Defense

Plaintiff's claims are barred by the applicable statutes of limitation and by the application of the doctrine of laches.

Third Defense

Plaintiff lacks standing to assert any claims against Deutsche Bank, as trustee.

Fourth Defense

Plaintiff's claims are barred from recovering any relief by the doctrines of waiver, estoppel and ratification for any purported claim alleged in the Amended Complaint.

Fifth Defense

Plaintiff's claims are barred or limited by the application of the doctrine of failure to mitigate damages.

Sixth Defense

Any damages were the result of acts or omissions on the part of the Plaintiff or a third party for which Deutsche Bank, as trustee, is not responsible.

Seventh Defense

Plaintiff's claims are barred by the doctrine of equitable subrogation and by the application of the doctrine of unclean hands.

Eighth Defense

Plaintiffs' claims are barred by the applicable Statute of Frauds and/or the parol evidence rule.

Ninth Defense

Deutsche Bank, as trustee, hereby gives notice that it intends to rely upon such other and further defenses as may become available during discovery proceedings in this case and hereby reserves its right to amend the Answer and assert such defenses.

WHEREFORE, defendant Deutsche Bank National Trust Company respectfully requests that the Court:

- i. Enter a judgment in its favor on all counts of the Amended Complaint;
- ii. Dismiss the Amended Complaint with prejudice;
- iii. Award Deutsche Bank National Trust Company its costs and expenses, including attorneys' fees incurred in this action; and
- iv. Grant such other relief as the Court deems just and proper.

Respectfully submitted,
DEUTSCHE BANK NATIONAL TRUST
COMPANY,
By its attorneys,

/s/ Charles L. Eisen

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Dated: November 13, 2007

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CERTIFICATE OF SERVICE

I hereby certify that a paper copy of this document, which was filed through the ECF system, is being sent this day via U.S. mail to the Plaintiff as follows:

Maura C. Burton
19 Hilltop Place
Catonsville, Maryland 21228

/s/ Charles L. Eisen

Charles L. Eisen